## UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

	)	
JUDY JIEN, et al.,	)	
	)	
Plaintiffs,	)	
	)	<b>CIVIL ACTION</b>
	)	No. 1:19-CV-2521
v.	)	
	)	
PERDUE FARMS, INC., et al.,	)	
	)	
Defendants.	)	
	)	
	)	

## <u>DEFENDANT MOUNTAIRE FARMS INC.'S</u> <u>MOTION TO DISMISS PLAINTIFFS' SECOND AMENDED CONSOLIDATED COMP</u>LAINT

Pursuant to Federal Rule of Civil Procedure Rule 12(b)(6), Defendant Mountaire Farms Inc. ("Mountaire") requests that the Court dismiss Plaintiffs' Second Amended Consolidated Complaint for failure to state a claim upon which relief can be granted.

Defendant Mountaire fully joins the Motion to Dismiss for Lack of Standing pursuant to Federal Rule of Civil Procedure 12(b)(1) filed separately by all Defendants. In addition, the Second Amended Consolidated Complaint should be dismissed as to Mountaire for the independent reasons set forth in this motion and accompanying memorandum in support thereof.

Defendant Mountaire respectfully requests that this Court enter an Order: (i) granting Defendant Mountaire's Motion to Dismiss the Second Amended Consolidated Complaint; and (ii) dismissing Counts I and II of the Second Amended Consolidated Complaint with prejudice.

Dated: December 18, 2020

## Respectfully submitted,

## MOUNTAIRE FARMS INC.

S

By: Kristen A. Knapp (Bar. No. 21169)

SIDLEY AUSTIN LLP 1501 K Street, NW #600 Washington, DC 20005 Tel: (202) 736-8219

Fax: (202) 736-8711 kknapp@sidley.com

Colleen M. Kenney (admitted pro hac vice)

SIDLEY AUSTIN LLP

One South Dearborn

Chicago, IL 60603 Tel: (312) 853-4166

Fax: (312) 853-4166

ckenney@sidley.com

John W. Treece (admitted pro hac vice)

1135 West Montana St.

Chicago, IL 60614

Telephone: (312) 961-7808

jtreece@jwtreece.com

Amanda Wofford (admitted *pro hac vice*) Bourgon Reynolds (admitted *pro hac vice*)

**ROSE LAW FIRM** 

a Professional Association

120 East Fourth Street

Little Rock, Arkansas 72201

Telephone: (501) 375-9131

Facsimile: (501) 375-1309

awofford@roselawfirm.com

breynolds@roselawfirm.com